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15 UNITED STATES DISTRICT COURT  
16 DISTRICT OF NEVADA

17 Troy Emanuel, Jr.,

18 Plaintiff,

19 v.

20 Collin, *et al.*,

21 Defendants.

Case No. 3:20-cv-00566-RCJ-CLB

**Order Granting Third Joint  
Stipulation to Extend Service of  
Process Date**

22 The parties stipulate that counsel for Plaintiff Troy Emanuel, Jr., shall have  
23 an additional 30 days, or until February 2, 2024, to serve Defendant Brandon  
24 Stubbs with a summons, the amended complaint, and the order granting the motion  
25 to amend the complaint. This is the third stipulation requesting additional time to  
26 make service on Defendant Stubbs through alternative means.

27 The parties enter this stipulation under Fed. R. Civ. P. 4(m) in good faith and  
for good cause based on the following.

1 On September 21, 2023, this Court ordered that service of the summons, the  
2 amended complaint (ECF No. 139), and the order granting the motion to amend the  
3 complaint (ECF No. 129), be served on Defendant Brandon Stubbs by November 20,  
4 2023. ECF No. 158. However, given Mr. “Emanuel’s *pro se* status and the issues  
5 with service,” the Court directed the Clerk to issue a summons for Defendant and  
6 Stubbs and also directed the U.S. Marshal to serve the summons and above-listed  
7 documents on him. ECF No. 158. Unfortunately, the U.S. Marsal could not perfect  
8 service on Defendant Stubbs. ECF No. 166.

9 Though Defendant Stubbs’ home address remains under seal (ECF No. 158),  
10 Mr. Emanuel’s counsel believed they located Stubbs’ home address and obtained a  
11 two-week extension of time from the Court to perfect service through a process  
12 server. ECF Nos. 174, 175. Though attempts to serve Defendant Stubbs were made  
13 during that two-week period, additional time is necessary to perfect service.

14 The parties then stipulated, with the Court’s permission, to continue the  
15 service deadline for Stubbs until January 3, 2024, to allow Mr. Emanuel additional  
16 time to perfect service. ECF Nos. 176, 177. Since then, Mr. Emanuel has diligently  
17 attempted service with the assistance of a retained process server. The process  
18 server has attempted service at Stubbs’ home in Texas and contacted his wife. The  
19 process server has also determined Stubbs is currently employed by the Texas  
20 Department of Criminal Justice (TDCJ). The process service spoke with the TDCJ  
21 Warden’s Assistant to attempt to perfect service at TDCJ; however, TDCJ’s Warden  
22 has elected not to permit service at TDCJ. An FPD investigator has also emailed  
23 Stubbs in an effort to perfect service but Stubbs has not responded. For these  
24 reasons, Mr. Emanuel’s counsel believe that Stubbs is aware of this lawsuit and  
25 purposely avoiding service.

26 An extension of the time for service is thus requested for good cause. *See*  
27 Federal Rule of Civil Procedure Rule 4(m); *Lemoge v. United States*, 587 F.3d 1188,

1198 (9th Cir. 2009) (Rule 4(m) establishes a “mandatory” rule that the “district court must extend time for service upon a showing of good cause”). The parties submit good cause exists here to extend the time for service on Defendant Stubbs, including: (1) Mr. Emanuel’s status as an indigent plaintiff; (2) the failed attempt at service on Defendant Stubbs by the U.S. Marshal; (3) the failed attempts by the U.S. Marshals, the FPD, and Mr. Emanuel’s process server to serve Stubbs at his home address and place of employment; (4) Stubbs’ apparent purposeful avoidance of service; and (5) the need for Mr. Emanuel’s counsel to explore alternative methods of service. The parties therefore stipulate to extend the service date on Defendant Stubbs for 30 days, until February 2, 2024. *See* Fed. R. Civ. P. 4(m); *Lemoge*, 587 F.3d. at 1198.

Dated January 3, 2024.

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Attorney General

Rene L. Valladares  
Federal Public Defender

s/ Andrew C. Nelson  
Andrew C. Nelson  
Deputy Attorney General

s/ Ryan Norwood  
Ryan Norwood  
Assistant Federal Public Defender

s/ Amy B. Cleary  
Amy B. Cleary  
Assistant Federal Public Defender

### ORDER

Accordingly, Plaintiff shall have until February 2, 2024 to effectuate service on Defendant Stubbs. No further extensions will be granted absent extraordinary circumstances.

**IT IS SO ORDERED.**

**Dated:** January 3, 2024.

  
UNITED STATES MAGISTRATE JUDGE